

REMARKS

This application has been reviewed in light of the Office action dated November 24, 2009. Claims 1-3 and 6-30 are presented for examination, of which Claims 1, 28, 29, and 30 are in independent form. Claims 1, 9, 12, 13, 16, 18, 20-23 and 25-30 have been amended. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1-3, 6-9, 14, 15, 25, and 29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,139,169 (*Caferro*), Claims 10-13, 16-23, 26, 27 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious from *Caferro*, and Claims 10 and 28 were rejected under Section 103(a) as being obvious from *Caferro* in view of U.S. Patent 7,090,379 (Targetti).

Applicant respectfully submits that independent Claims 1 and 28-30, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Caferro relates to a light reflective panel 14 and a mounting case 30 for outdoor mounting of the encased panel. As shown in the embodiments in Figs. 2-5, a light reflective panel 14 includes a grid of reflective louver sections 16 that intersect with one another to form light transmissive cells 22. The light reflective panel 14 is encased between a substantially transparent top cover 35 and a transparent bottom cover 34 of a case 30. The sides of the louver sections 16 are reflective, and in one embodiment are formed of specular aluminum. See, e.g., *Caferro* at col. 3, lines 60-62. The light reflective panel 14 is separable from the top cover 35, and therefore the case 30 (see col. 4, lines 43-49).

The Office Action deems the transparent top cover 35 and the light reflective panel 14 as respectively corresponding to the “transparent base plate” and the “plurality of rib-like raster elements” recited in Claim 1. According to Claim 1, however, the raster elements are “secured to the base plate”. This is not believed to be taught or suggested by anything in *Caferro*. For at least this reason, Applicant submits that Claim 1 is allowable over *Caferro*.

Applicant also wishes to present the following observations regarding the rejection of dependent Claims 12 and 13. The Office Action concedes that *Caferro* is silent about the spacing between two rasters being double the height of the raster elements and the raster elements having a height of about 1 mm and the spacing being about 2 mm. The Office Action states that it would have been obvious to space and size the louvers of *Caferro* as in Claims 12 and 13 because doing so would have been part of discovering an optimum value of a result-effective variable.

As pointed out in the MPEP, however:

“A particular parameter *must first be recognized* as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977). [Emphasis added.]” MPEP 2144.05(II)(B)

Caferro does not discuss any parameter, such as the dimensions of the louvers or their proportion relative their spacing, as having any effect on the lighting result, nor does the Office Action provide any basis for asserting that it would have been known in the art that those parameters would have an effect on the results in question. Therefore, any determination of the optimum range of the length or spacing of the louvers cannot be characterized as routine experimentation.

(Applicant notes that similar arguments are applicable to the rejections of Claims 16-23, which are related to various shapes of the raster elements.)

Moreover, since independent Claim 30 recites, among other features, that “the raster elements have a maximum height of 5 mm”, Claim 30 is also believed to be allowable over *Caferro* for at least this reason.

Claim 28 is directed to a raster arrangement having a plurality of raster elements arranged neighbouring one another, having reflecting side walls for effecting an anti-dazzling effect of the light emitted from a light source. The raster elements are formed by profile lamella elements produced by solid material injection molding each of which is held at two ends by a frame part.

Among other features of Claim 28 is that the raster elements are formed by profile lamella elements produced by solid material injection molding each of which is held at two ends by a frame part, and that the raster elements have a maximum height of 5 mm.

Accordingly, Claim 28 is also believed to be allowable over *Caferro*, which is not seen to teach or suggest a maximum height of such raster elements, or that the raster height would be a result-effective parameter.

Independent Claim 29 is directed to a light influencing element having features similar in many relevant respects to those of Claim 1 discussed above. Accordingly, Claim 29 also is believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record, including *Targetti*, has failed to reveal anything that, in Applicant’s opinion, would remedy the deficiencies of the art discussed above,

as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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